

wherein the second dipole antenna transmits information from the integrated circuit storage system to a receiver.

72. (New) An identification tag of claim 28 wherein said application specific integrated circuit is a monolithic device, and wherein said dipole antenna supplies energy to the integrated circuit and also power to the antenna.

El
cond.
73. (New) The identification tag of claim 27, wherein a data processing system processes the data stored on the integrated circuit to make decisions and take actions.

74. (New) The identification tag of claim 28, wherein a data processing system processes the data stored on the integrated circuit to make decisions and take actions.

REMARKS

In the outstanding Office Action, the Examiner has rejected claims 28, 49 - 68 and 70 as being unpatentable over Carroll '893 in view of Goff '137 and Nova '274 and Nova '139. Note that "Nova" is another surname and not a corporate name of NOVA R & D owned by Applicant.

Claims 28, 49 - 68 and 70

Applicant has shown through the attached Declaration under 37 CFR § 1.131 that neither '137, '274, or '139 have dates which can be relied upon under 35 USC § 102(e). '137 shows a filing date of

June 8, 1998, '274 shows a filing date of October 7, 1997, and '139 shows a filing date of August 11, 1997. In Applicant's submissions, Bates Number 000001 - 000107, Applicant has shown that Applicant clearly conceived the entire invention at least by the date of the proposal which was July 5, 1996 and as further evidence of conception which is dated August 6, 1997, which is in advance of all of the reference dates listed above. Still further, the Phase II proposal, dated August 6, 1997, clearly states that the feasibility of use of a dipole antenna on a chip which was actually constructed, see page number 000107. Proof of feasibility where the physics are well known is sufficient for an actual reduction to practice. Therefore, Applicant respectfully submits that there was a legal, actual reduction to practice prior to even August 11, 1997. The chip was actually constructed with a dipole antenna prior to August 6, 1997, see Declaration, paragraphs 6 and 7. This construction is an actual reduction to practice of the claimed identification tag.

Applicant has also shown that Applicant was diligent from at least August 6, 1997 until the filing of the provisional application upon which this case is based. Here the Examiner should note that the provisional application is a substantial copy of the Phase II proposal dated August 6, 1997 so there is no doubt that they disclose the same thing. The Applicant and owner of the invention, Tümay O. Tümer, has shown in the attached Declaration that his company NOVA R & D simply was not a large research and development based organization which could function without the support of government funds. The record clearly shows that

government was not forthcoming from the August 6, 1997 proposal and that NOVA and the inventor, with their limited resources, could not proceed further without such funding. Since the provisional was in fact filed on September 14, 1998, Applicant respectfully submits that in this approximately 13 month time period, that diligence has been shown on the part of NOVA R & D. Therefore, under the test of conception plus diligence, Applicant has also shown clearly that the '137, '274, and '139 references are not references which can be relied upon under 35 USC § 102(e).

Claims 27 - 48 and 69

The rejection of claims 27 - 48 and 69 as being unpatentable under 35 USC § 103(a) is further respectfully traversed. The reason is that '137, '274, and '139 do not qualify as references under 35 USC § 102(e), as demonstrated above, and for this reason the rejection under 35 USC § 103(a) stated in paragraph 3 of the Office Action should be withdrawn.

Claims 27 - 70

In paragraph 4, claims 27 - 70 have been rejected under 35 USC § 103(a) again in reliance upon '137, '274, and '139. Since none of these references qualify as references under 35 USC § 102(e) the rejection that 35 USC § 103(a) is respectfully traversed.

Response to Substantive Prior Art Rejections

All claims in various permutations and combinations in paragraph numbers 2 - 4 have been rejected in view of Goff '137.

Applicant's claims, however, relate to an application specific integrated circuit die. On the other hand, Goff, while mentioning a dipole does not place it on the application specific integrated circuit. Next, Goff in one embodiment uses a magnetically responsive element as the antenna for radio frequency element. In Applicant's claims, the energy is radio wave energy.

Nova '274

Nova '274 does not mention a dipole antenna integrated with or bonded to the chip. There is no indication that a dipole is integrated onto the chip at all.

Nova '139

While discussing a dipole antenna "monolithically etched into the chip", Nova '139 does not include other circuitry or describe how the antenna is used. Simply stated, '139 does not complete the inventive process or suggest Applicant's claims.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with Markings to Show Changes Made."

In view of the foregoing, it is respectfully submitted that the application is now in condition for allowance, and early action in accordance thereof is requested. In the event there is any reason why the application cannot be allowed in this current

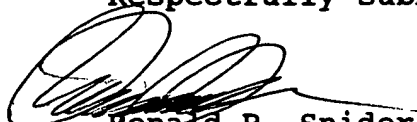
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condition, it is respectfully requested that the Examiner contact the undersigned at the number listed below to resolve any problems by Interview or Examiner's Amendment.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

New claims 71 - 74 have been added above.